

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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V & R FINE ART, INC.,

Plaintiff,

-against-

ONE OIL ON CANVAS PAINTING ENTITLED  
"BRICKYARD SHED," BY ARTHUR DOVE,

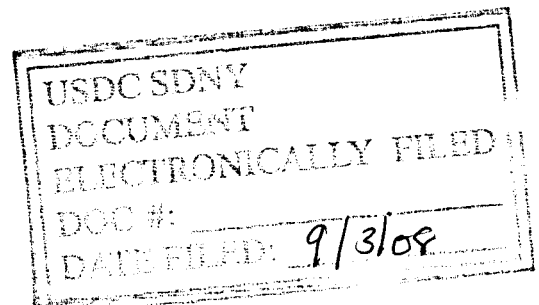
and

PETER STIMSON BROOKS,  
THE ESTATE OF INEZ BROOKS, a.k.a. THE  
ESTATE OF INEZ SEIBERT, a.k.a. THE ESTATE OF  
INEZ SEIBERT BROOKS,  
THE HELEN SEIBERT FOUNDATION,

Defendants.  
-----X

Civ. A. No.: 08-CIV-5031(WHP)

STIPULATION TO ADJOURN  
PRE-TRIAL CONFERENCE



Counsel for the Plaintiff, Levy Phillips & Konigsberg, having conferred with *pro se* representative for the Defendants, Peter Stimson Brooks, hereby agree and stipulate to the following:

1. The Court issued an Order for Initial Pre-Trial Conference (the "Order") on or about August 4, 2008, which was promptly served by Plaintiff on Defendants.
2. The Order directs counsel to appear in person at Courtroom 11D at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, N.Y. on August 29, 2008 at 10:15 am for an initial pretrial conference.
3. On or about August 18, 2008, Defendants copied Plaintiff's counsel on a letter written to the Court in which Defendants requested an adjournment of the ordered conference date until September 19, 2008. In the letter, Defendants state that an adjournment is necessary

because Peter Brooks is unable to travel to New York in August, and "because our transcriptionist has requested her extension to complete vital evidence for the court to review."

4. On August 18, 2008, Plaintiff's counsel conferred with Peter Brooks and also sent Defendants a letter proposing September 8<sup>th</sup> or 10<sup>th</sup> as alternative dates for the conference and explaining, *inter alia*, that Plaintiff's interests were best served by scheduling the conference at the earliest available time.

5. On August 19, 2008, Peter Brooks informed Plaintiff's counsel that he had received permission from the Court to attend the conference via telephone and would be available to do so on September 10, 2008.

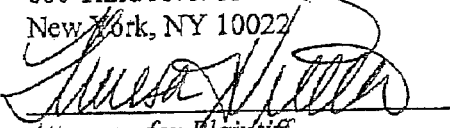
6. As such, the parties hereby stipulate and agree to adjourn the pretrial conference scheduled in this matter until September 10, 2008 and that any additional requests for adjournment beyond that date must be approved in writing by the Court.

7. The parties' joint Rule 26(f) Report shall be filed with the Court no later than seven (7) days prior to the initial pretrial conference or by September 3, 2008.

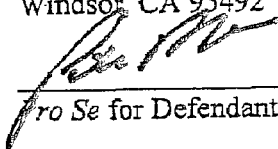
Respectfully Submitted,

Dated: August 21, 2008

Levy Phillips & Konigsberg, LLP  
800 Third Ave. 13<sup>th</sup> Floor  
New York, NY 10022

  
Attorneys for Plaintiff  
Stanley J. Levy, Esq.  
Theresa A. Vitello, Esq.

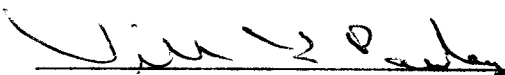
Peter Stimson Brooks  
9619 Montez Court  
Windsor, CA 95492

  
Pro Se for Defendants

00125972.WPD

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The Court will hold the initial  
pre-trial conference on September  
SO ORDERED: 10, 2008 at 12:00 pm

  
WILLIAM H. PAULEY III U.S.D.J.

9/2/08